



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## MINUTES STATE BUILDING CODE COUNCIL

**Date:** September 9, 2005

**Location:** Tukwila Community Center

**Council Members Present:** Peter DeVries, Vice Chair; Dave Baker; Rory Calhoun; Kristyn Clayton; John Cochran; Stephen George; Mari Hamasaki; Diane Hansen; Tom Kinsman; Steve Mullet; Terry Poe; Dale Wentworth; Representative Timm Ormsby

**Council Members Absent:** John Neff, Neva Cockrum

**Visitors Present:** Richard Swanson, James Tinner, Karsten Anderson, Brian Minnich, Michael Barth, Judy Tucker, Paul O'Connor, Bob Lovett, Maureen Traxler, Michael Trabue, Todd Short, Jerry Farley, Rick Jensen, Jon Napier, Victoria Lincoln, Steve Wilcox, Bill Disney, Kraig Stevenson, Tim Fuller

**Staff Present:** Tim Nogler, Krista Braaksma

### CALL TO ORDER

Peter DeVries welcomed everyone and called the meeting to order at 10 a.m. in the absence of Chairman John Neff. Introductions were made. Peter welcomed Diane Hansen as the newest Council member. Diane is completing the term of Steve Nuttall, representing local government fire service.

### REVIEW AND APPROVE AGENDA

Peter suggested that a letter from the Air Conditioning & Refrigeration Institute (ARI) be considered by the Council under "Public Comment on Items not Covered by the Agenda." Diane Hansen voiced her desire to discuss public notification of the October public hearing. Tim Nogler said public notification can appropriately be considered under "Other Business." Thus an amended agenda was approved.

## **REVIEW AND APPROVE MINUTES**

The minutes of the June 10 Council meeting were reviewed. Rory Calhoun called attention to Motion #9 on page 9. The minutes incorrectly state that John Calhoun moved Motion #9. Rory noted that the person who made that motion was either “John Cochran” or “Rory Calhoun.” The motion was made by John Cochran.

Dave Baker asked for clarification of the number of required votes for Council adoption. The minutes note the adoption of the City of Duvall local amendment, which affects the building codes, with six yes and five no votes. Citing RCW 19.27.074, Dave questioned whether the adoption of local amendments requires an affirmative vote by a majority of Council members. He said the statute clearly states that “all council decisions relating to the codes enumerated in 19.27.031 shall require approval of at least a majority of the members of the council.” Peter asked if that means a majority of Council members **present**, or a majority of the 14 voting Council members, present or not. Dave answered that eight affirmative votes, representing a majority, are required for Council approval. Tim said the majority has been interpreted as members present for local amendments. Peter then asked if all previous Council decisions need to be reexamined, declaring decisions based on fewer than eight affirmative votes null and void. Tim spoke against such a retroactive review. Peter asked for legal counsel to review the issue, preliminary to rendering an opinion at the October meeting.

The minutes were approved as amended by Rory Calhoun. The question raised by Dave won’t be decided until the October meeting.

## **PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA**

### **Air Conditioning & Refrigeration Institute (ARI)**

Tim said that last November the Council adopted an energy efficiency ratio requirement for air conditioning equipment, intending to phase in updated federal requirements. ARI questions the state’s ability to do so. They believe the federal act preempts state law and that Council action last November should not be enforced.

Tim said that federal law regulates the manufacture of residential central air conditioners and heat pumps. The federal energy efficiency standard is 13 SEER/7.7 HSPF. Manufacturers may continue to manufacture such products at previously approved energy efficiency levels until January 23, 2006.

Rather than regulating the manufacture of residential central air conditioners and heat pumps, the state regulates their installation. The minimum energy efficiency standard amended to the Washington State Energy Code in November 2004 was 12 SEER/7.4 HSPF. Tim noted that the concern is with the storage of stock manufactured to a lesser standard and the ability to move that stock before the state rule becomes effective.

ARI states in their letter dated September 2, 2005 that new minimum federal energy efficiency standards for single-phase residential central air conditioners and heat pumps are not being correctly enforced by building officials in Washington State. ARI says the effective date of the new federal standards is the **manufacturing** date, not the **installation** date as being enforced in Washington.

Karsten Anderson, an HVAC wholesale distributor, voiced his concern about housing inventory and not having time to distribute it before the effective date of the new regulations. He said he has warehouses throughout the state and sells to general contractors. Dave asked for confirmation that Oregon is still able to sell products manufactured to lesser standards. Mr. Anderson confirmed that is true. He can ship his products to other states, but there is a cost involved. Peter asked Tim, if this issue is placed on the November meeting agenda, must the Council enter emergency rulemaking to allow a grace period. Tim said that is one option. He said legal counsel can review two questions, the state's legal authority to adopt rules in relation to federal law and specific components of the Council rule. He suggested that such a review be made, with a report at the November meeting.

Rory and Tom Kinsman both asked how widespread the problem is. Tom asked if there's an association of manufacturers through which the scope of affected manufacturers is known. The answer was that the existence of an association on the wholesale level is unknown.

Terry Poe said he's talked to four major manufacturers about this issue. They're all concerned about products backing up in their warehouses that they won't be able to move, because the January 23, 2006 deadline is being enforced for installation. Terry said he believes the federal intent was to not be able to manufacture after January 23, 2006. With the possible exception of Oregon, Terry said Washington is the only state with this problem. Kristyn said it was an intentional decision by the Energy Code TAG to regulate installation. However she's not sure the TAG studied the economic impact.

While sympathizing, Dave pointed out that the extent of the problem is unknown. Thus Council resolution is not appropriate at this time. He said the State of Washington is acting within its legal authority to prohibit installation of a product below a certain efficiency level after a certain date. A solution may be to sell products manufactured below the stated efficiency level outside the State of Washington.

Peter said the issue will be placed on the agenda for the November meeting. Between now and then, information on the extent of the problem should be accumulated.

## **LOCAL AMENDMENT REVIEW**

Steve Mullet called attention to a newspaper article, discussing a new type of spec home in the Tukwila area and affordable housing. He noted that affordability is a "moving target" both statewide and nationally.

## **City of Cashmere**

### **Motion #1:**

**Dave Baker moved the Cashmere local amendment off the table for discussion. John Cochran seconded the motion. The motion was unanimously adopted.**

### **Motion #2:**

**Dave Baker moved that the Council not approve Cashmere's local amendment as currently drafted. Tom Kinsman seconded the motion.**

While sympathizing with what Cashmere is trying to do in a wildfire area, Dave said he opposes a classed roof system. Dave said Cashmere's local amendment requires homebuilders to install a Class A, B, or C roof assembly in addition to the roof membrane. He said Cashmere should instead exclude unclassified roofing material, wood shakes and shingles.

Peter asked for clarification that 5/8-inch OSB or plywood can't be used. Rather the roofing system must be totally fire retardant. Dave answered yes, it has to be a classified system, accomplished by a metal roof or approved asphalt. In a wildfire area, Dave said the problem is burning embers blown by the wind that land on the roof.

Kristyn asked if the local amendment covers any structure built within the city limits of Cashmere. Peter and Dave answered that any structure needs a classified roof assembly. That includes both residential and commercial. Peter added that also includes garages and sheds.

Tom Kinsman said he believes that a statewide amendment is more appropriate than a local amendment benefiting just one jurisdiction in a wildfire area. He said other areas facing similar fire danger should combine with Cashmere and propose a statewide amendment.

Diane Hansen asked if the classification rating applies to only the roof assembly, to only underlying items, or to both. John Cochran answered that the classification of A, B, or C applies to the roof covering. Underneath is the covering assembly. He said they're two different items. Only the roof covering is classified.

### **Amendment to Motion 2:**

**John Cochran moved that the City of Cashmere redraft and resubmit their local amendment, to more accurately describe roof covering requirements. Dave Baker accepted the friendly amendment. The amended motion was unanimously adopted.**

## **City of Redmond**

### **Michael Trabue**

Michael Trabue spoke in support of Redmond's petition for reconsideration of its local ordinance requiring sprinklers in IRC-regulated townhomes of 5,000 square feet or larger. He said the petition for reconsideration provides additional information about Redmond's uniqueness, while concentrating on the three points raised in the original application. Rather than repeating what was previously submitted in writing, Mr. Trabue went directly to the additional information and clarification.

He said the issue of response times is the primary driver of their local amendment. Extended response times within the City of Redmond are continually growing. Specifically there is an 8-11 minute response time within Redmond outside the downtown core, after a 911 call is received. That does not include the 30 second to 2 minute "recognition time" before the 911 call is made. Additional setup time is also required for fire crews to get water on the fire.

Another issue is missing calls due to the extended time at fires. In 2004, 790 fire calls were missed in one fire station because firefighters were out on a previous fire. As a result, other resources are called from other stations in the city or from surrounding jurisdictions. Fire station staffing has not increased since 1995.

Mr. Trabue said that having sprinklers in larger single-family townhomes is an attempt to reduce the amount of time fire service can't be provided to Redmond's citizens because of increasing response times. Twice as many residential fires occur in Redmond as fires in commercial buildings.

The question was raised at the fire workshop yesterday if requiring residential sprinklers places a burden on the community. The City of Redmond has given that question serious consideration. Mr. Trabue said the underlying question is: should development pay for itself upfront or through general tax revenue? He said that is a political question that was answered by the City Council of Redmond when it chose to support the local ordinance requiring fire sprinklers instead of raising taxes.

Another question raised at the workshop was why not require all occupancies to be sprinklered. Mr. Trabue said the City Council of Redmond asked that same question and decided to study it and decide in the future whether or not to sprinkler all occupancies. Mr. Trabue said the life of a residential sprinkler system is 30 years. He compared that to the life expectancy of major home appliances: 15-20 years for ovens and ranges, 15 years for refrigerators and freezers, 7-10 years for dishwashers, 7-15 years for furnaces, and 8-10 years for water heaters.

Mr. Trabue spoke next about consistency. He distributed a map outlining other cities on the eastside of Puget Sound that have been approved a similar ordinance to what

Redmond is now requesting. He said that Council disapproval of Redmond's ordinance may make them unique.

### **Tim Fuller**

Tim Fuller, Redmond's fire chief, said that from his fire service experience, 32 years in St. Paul, Minnesota and recently in Redmond, he is an unabashed proponent of fire sprinklers. That sentiment is mainly true because he never had a firefighter severely injured in a building that was sprinklered during his 12 years as fire chief in St. Paul. That success has unfortunately not been true in nonsprinklered buildings.

Mr. Fuller apologized for the Mayor of Redmond being unable to attend this meeting and read the following letter from her:

Dear Members:

On behalf of the City of Redmond, I'm writing to request that you reconsider your action on our petition to approve Redmond's regulation requiring residential fire sprinklers in IRC townhomes of three or more units in an aggregate area over 5,000 square feet.

The Redmond fire department, together with the fire departments of 10 neighboring jurisdictions in east King County, recommended in 2004 that the threshold for installation of automatic fire sprinkler systems in IRC townhomes of three units or more in aggregate of 5,000 square feet.

For the City of Redmond, this is an issue of local control to (1) manage cost benefit, (2) to protect personal and commercial property, and (3) to provide a high level of safety for our citizens and firefighters, by providing a minimum level of construction quality and safety. While we understand these recommended changes will have an impact on the design and construction community, in the long term we are confident these new fire code standards will help achieve a higher level of uniform criteria in construction design and consistent code enforcement.

Most importantly, these changes serve to protect public health, safety, and welfare in the built environment, by providing for protection from tragedy caused by fire and/or structural collapse.

This is among the most important functions and authorities of local government. In reviewing these proposed changes with our city council and with community stakeholders, the city convened several public meetings in the spring and summer of 2004. This public outreach followed extensive outreach by the Zone 1 fire marshals in east King County to advise and respond to the concerns of those impacted by the proposed changes.

In previous action in 2004 and 2005 by your body, you have approved similar regulations in eight jurisdictions surrounding Redmond. Based on these factors, local control, public safety, considerable outreach to impacted stakeholders, and your previous approvals, we respectfully request your approval of Redmond's ordinance regarding IRC townhomes over 5,000 square feet.

Thank you for your time and consideration.

Sincerely,

Rose Marie Ives  
Major  
City of Redmond

## **Bob Lovett**

Bob Lovett, Fire Marshal for the City of Redmond, said its proposed regulation does not affect individual single-family homes or duplexes. He pointed out that several local ordinances approved by the Council for other jurisdictions covered single-family homes over 5,000 square feet. Redmond however is not asking that. Their regulation does not affect structures less than 5,000 square feet.

Mr. Lovett said that Redmond proposes to regulate single-family units that are constructed as a group of three or more that form a single structure that totals more than 5,000 square feet. There is currently no limit on the number of units over three and no limit on size.

A local amendment, rather than a statewide amendment, is being requested. Those are the only two options available to local jurisdictions. The ordinance is a local government requirement designed to carry out local growth policies by limiting the potential size of these structures without built-in protection.

Mr. Lovett said that for the purpose of a local or a statewide amendment, uniqueness cannot be “we’re unique compared to everybody else in the state.” As the Council recognized on September 10, 2004 when it approved an ordinance common to seven jurisdictions neighboring Redmond, the test of uniqueness is whether or not reasons exist within the jurisdiction that support the proposed ordinance. Those reasons may not exist everywhere.

Fire sprinklers have a proven track record in limiting life and property loss in residential fires. Statistics in 2005 show that fires in nonsprinklered structures had ten times the dollar loss compared to fires in sprinklered buildings. In addition sprinklered buildings require substantially fewer resources to fight a fire than nonsprinklered buildings. A typical fire in a residential building 5,000 square feet or more may require 20 or more fire personnel from more than one jurisdiction for four-five hours. If a second alarm has been received for the fire, not unusual for a residential building over 5,000 square feet, 37 fire personnel may be required. By comparison, a fire in a similar structure protected by fire sprinklers may only require three-four fire personnel for an hour.

Redmond experiences more than 7,000 fire calls a year, approximately 19 calls per day. One-third of those fire calls overlap service on other fire calls. Fire sprinklers control or extinguish fires while they are small. By limiting the intensity and spread of fires, a sprinkler-protected building is safer for occupants, firefighters, and neighbors. Sprinklers drastically reduce the destruction of resources and the toxic waste that a fire produces. Fire suppression in sprinklered buildings begins immediately, even before occupants may be aware of the fire danger. Suppression is not delayed by traffic.

Mr. Lovett said on a fire call he went on this past year in a sprinklered home a gentleman woke up, confused, because the bedding he was sleeping in was wet. The electric blanket on his bed had ignited. The fire was extinguished by a fire sprinkler.

Fire walls can be a very important fire protection tool. They are however easily bridged. They do not produce a water supply need. They do not protect an occupant of a unit involved in a fire. They do not prevent perpendicular exposures. They do not prevent radiant heat transfer. In a three-unit residential building, the fire wall would be located between the units. But the fire will go out windows, around corners, and expose other units.

Fire protection is a public trust, the responsibility of local government to provide to its citizens in accordance with the policies it has developed for balancing competing interests, options, and perspectives. The local jurisdiction must balance the monies it has been entrusted with.

RCW 19.27.060 clearly gives governing bodies the permission to amend the state-adopted codes as long as the amended code is not less restrictive than the minimum performance standards in the state building code. It further requires Council approval for certain residential buildings. Pursuant to WAC 51.04.030, Redmond has shown, as have eight other jurisdictions, that it has unique life, health, and safety considerations that warrant Council approval of this local ordinance.

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Dale Wentworth asked why Redmond doesn't want to include single dwellings over 5,000 square feet as other jurisdictions have done. Mr. Lovett said that Redmond's existing ordinance requires single-family residences of 6,000 square feet to be sprinklered. The Redmond City Council wanted to address that issue separately. When they did, they were unsure if 5,000 square feet was low enough. Therefore they tabled that discussion. It may resurface in the future.

In response to Tom, Mr. Lovett said Redmond did not request approval of a like ordinance with other jurisdictions because Redmond was advised that it was not necessary since its ordinance deals with a multifamily building over 5,000 square feet. Thus it was outside the jurisdiction of State Building Code Council review. Subsequently the issue was determined debatable, since Redmond's ordinance deals with a configuration of three or more single-family units. Since other jurisdictions had gained approval of a similar ordinance, Redmond decided to also seek Council approval.

Dave said that the IRC definition of townhome is a single-family building separated by a two-hour fire wall between units. The fire wall extends from the foundation to the roof plane. Dave said to build under the IRC, you must have a separate one-hour fire wall in each unit or a combined two-hour fire wall with no penetrations. Thus there is significant separation between units.

Dale Wentworth asked Council staff if other jurisdictions' ordinances similar to Redmond's that have been granted Council approval are all consistent. Tim said there are differences. Mr. Lovett answered that all dealt with IRC townhomes over 5,000 square feet. He thought about five also included single-family or duplexes over 5,000 square feet. As he indicated earlier, Redmond separated those two issues. Tim said that



Issaquah and North Bend do not include attached single-family dwellings in their ordinances. Whether Duvall does or not is questionable.

Steve asked if additional requirements associated with sprinklers are discussed with developers when they apply for such a building. Mr. Lovett answered that site issues such as access, grades, turn arounds, road widths, and water availability are all discussed with developers.

Dave said he has a problem with such ordinances, because in them sprinklers replace fire walls and jurisdictions build to the IBC rather than the IRC. Tim added that the City of Medina requested, in the construction of very large homes, to build under the IBC. He said the Council determined that Medina's request did not require Council approval because it was an amendment to Chapter 1. Its amendment requires that any single-family structure over 3,000 square feet comply with the IBC.

Steve asked if Redmond can achieve the results of its proposed ordinance by amending Chapter 1, allowing construction under the IBC? Tom spoke against that proposal, stating that the intent of Chapter 1 is for administrative rather than substantive amendments. He believes placement of Medina's request in Chapter 1 was inappropriate.

### **Motion #3**

**Dave Baker moved approval of the Redmond request for reconsideration of its local amendment to the Fire Code. Steve Mullett seconded the motion.**

Dave then spoke against the motion, stating that just because the jurisdictions surrounding Redmond have sprinkler ordinances when Redmond doesn't, does not make Redmond unique. If having fire sprinklers in such residences is an important issue to Redmond, it should pursue a state amendment.

Timm Ormsby spoke in favor of the motion. He said the Washington Constitution gives local jurisdictions the ability to govern themselves and decide what is proper and necessary within their jurisdictions.

**The question was called for. The motion carried, 8 aye to 2 nay votes.**

### **City of Seattle**

John Siu and Maureen Traxler from the City of Seattle, along with Judy Tucker, Chair of the Seattle Construction Codes Advisory Board, were present to answer questions on Seattle's packet of local amendments.

John Siu addressed the issue of uniqueness. Seattle is a large city and has many big city issues and problems not seen by most other jurisdictions across the state. It also has a long history of building codes, with many amendments that predate the State Building

Code and State Building Code Council. Seattle also has a housing and building maintenance code for residential rental units. John said Seattle is also unique in that it has its own Construction Codes Advisory Board (CCAB), similar to the Council. Many of Seattle's local amendments have come down through the CCAB to deal with issues before the board.

Dave Baker said he feels Seattle's amendments represent a large volume to review. He noted that past practice has been Committee review and recommendation to the Council. He asked if Seattle is willing to postpone action today to allow Committee review of its amendment packet. John and Maureen agreed.

#### **Motion #4:**

**Dave Baker moved to forward the packet of Seattle amendments to the Building, Fire, and Plumbing Codes Committee for review. Tom Kinsman seconded the motion. The motion carried unanimously.**

Tim noted that Diane Hansen hasn't been assigned to a Committee yet. He recommended that it's appropriate for Diane to be assigned to the Building, Fire, and Plumbing Codes Committee. Pete DeVries, with the Council's approval, appointed Diane to the Building, Fire, and Plumbing Codes Committee.

#### **ENERGY CODE TAG REPORT**

Kristyn Clayton provided an overview to the Council of the Energy Code TAG's progress to date on its review of the International Energy Conservation Code (IECC). She perceives the task in two phases. Phase 1 is approximately 90 percent complete. Of the 268 sections reviewed, 114 contain recommendations for amendment. The TAG could not reach consensus on 33 sections. Phase 1 will end with review of the IRC and a report to the Council. During Phase 2, the TAG will develop amendments to the IECC necessary for Council adoption next year.

The TAG decided to use the IECC as the primary document this time. Sections are first identified in the IECC. Then comparable WSEC sections are identified. Finally, if necessary, amendments are identified to equate the IECC with the WSEC. Kristyn said that amendments exclusively relate to current WSEC requirements, despite numerous attempts to add new requirements. Major philosophy shifts between the IECC and WSEC, treated as single amendments, have a domino effect. In performance analysis, IECC numbers are based on the cost of energy rather than energy use. Right now, WSEC numbers are based on energy use. The TAG feels this is a large philosophy difference, that's very debatable.

The comparison work was completed in subTAGs. Kristyn said about seven individuals worked very, very hard on their own time to compare the IECC and WSEC sections, list differences and make recommendations. SubTAG work was then reviewed by the entire TAG for consensus.

Kristyn said the definition of “residential” needs much review and clarification. There was a general feeling that the nonresidential energy section of the IECC is still growing, that it’s more undeveloped than in the WSEC. Thus moving to the IECC nonresidential requirements would be a huge shift in philosophy and policy for Washington.

Major philosophical differences examined were the “residential” definition, climate zones, and the energy cost vs. energy use issue. A primary amendment criteria was stringency, that is greater in the WSEC than the IECC. For items appearing in the WSEC but not in the IECC, the TAG suggests adding to the IECC. Other items need to be clarified. Kristyn said that small business exceptions need to be considered, as well as economic impacts. Some issues warrant further study by a consultant.

Progress has been made. But detailed re-review is needed of 55 percent of what the TAG has accomplished to date. Many meetings, a minimum of 10 meetings from November through February, as well as much review and debate are needed. Kristyn asked the Council’s guidance on how to proceed from this point. At the last TAG meeting, members brainstormed other options. Without making any decisions, the TAG identified the following options:

- (1) Adopt the IECC with amendments (continue the present course of developing consensus and preparing amendments, for March 2006 conclusion).
- (2) Move the WSEC closer to the IECC in phases, developing amendments to both documents. One phase may be the separation of residential and nonresidential, or reformatting the WSEC to match the IECC format.
- (3) Maintain the WSEC and watch the IECC over time for increased stringency and closer alignment with the WSEC. Amendments would be worked here at the IECC level. If this option is chosen, Kristyn predicts another detailed review and comparison process in approximately three years.
- (4) Adopt the IECC without amendment. The TAG reached consensus to not recommend this option for many reasons, including the difference in stringency, the impact on small business, and compatibility with our legislation.

Rory asked how widespread the nonconsensus was on items not receiving consensus. Kristyn answered that in some cases it was just one person. She said attendance at most TAG meetings began with 10-11 members present. However at the end of the meetings, there were only three or so members still in attendance. One reason for a re-review is to increase participation. She anticipates shorter meeting times in the future.

Rory then asked which groups were represented at TAG meetings. Kristyn said manufacturers and installers were consistently represented. A representative of the City of Seattle was present at most meetings. Architects attended most of the time. A representative of WSU was always present. Most TAG members have been involved in

the process for 20-25 years. They are very passionate experts that have been national leaders about energy issues. Many TAG members work at the international level to effect changes that create consistency. The International codes have been consistently represented at Energy Code TAG meetings.

Chuck Murray, an Energy Code TAG member in the audience, repeated Kristyn's previous comment that the TAG needs direction on the definition of "residential." He said that language in the residential section of the IECC is not sufficiently detailed to use for a large residential construction project, such as in Seattle.

Tom asked Kristyn if Washington is unique in having its own energy code. Kristyn answered that Washington is one of a handful of states that have their own energy code. Chuck agreed with Kristyn that there are six or seven other states with their own energy code. He said about 25 states have adopted the IECC with minor amendments, and another 10 states have adopted it with substantial amendments. Kristyn said that a national movement, that didn't exist in past years, is now expanding.

Mari Hamasaki asked for confirmation that IECC amendment will be substantial to make it comparable to the WSEC. Kristyn confirmed that. She has researched if there is a threshold based on precedence. The TAG predicts amended sections to equal 45 percent of the 10 percent noncompliance rate. Mari then asked about future TAG work. Kristyn said she would like to continue brainstorming possible paths, but the TAG will not change course without Council direction.

Dave asked if the IECC achieves 90 percent of the energy savings of the WSEC. Kristyn answered that the codes are too far apart to make a percentage call. The TAG has not made such a global determination. She said criteria may be developed during the re-review to assist the TAG in evaluating that, if the Council so chooses.

Dave recalled the legislative charge years ago, to adopt rules setting minimum standards. There was no national or international energy code at that time, so Washington developed its own energy code. Now times have changed, and Washington must decide whether to continue code writing and maintenance of its own code or the alternative of changing philosophies and substituting a model code. Dave recognized that the growth and substitution process is very difficult to accomplish. He said the Council has to make that decision. The Council is the policy body. The TAG cannot decide; it only recommends. Dave said the TAG currently is "trying to stuff the WSEC into the IECC." He doesn't believe that's appropriate. But he said the Council needs to decide if that's the correct course or not. Dave believes the transition from the WSEC to the IECC should be made with a minimum of amendments, so that Washington doesn't have to deal with energy issues at the state level. He said the Council has to decide its course before the Energy Code TAG continues its work.

John Cochran acknowledged and thanked Kristyn for her challenging efforts. He asked Kristyn what she would like the Council to do today. Kristyn said at a minimum she would like further discussion of the point raised by Dave. She said it's important for the

TAG to know if the Council's goal is adoption of the IECC instead of maintaining the WSEC. She said it's also important to review criteria for composing amendments. She wondered if a study might be helpful, say of 20 buildings, half using the WSEC and half using the IECC. She asked what else the TAG can do to help the Council make its decision.

Steve suggested that it might be helpful to break the comparison down into smaller pieces, for example separating residential from commercial. Tom agreed. He spoke in favor of regulating the number of stories in wood frame structures. He favors a national code over a state code. Dave said he'd like to hear the challenges the TAG sees. Why does the TAG recommend not adopting the IECC unamended? Kristyn suggested that the report from the Energy Code TAG to the Council might address each option and list the considerations given each.

Peter asked Kristyn if she's comfortable with TAG work between now and November. Kristyn said there's lots of work to do. She anticipates needing at least an hour's discussion at the November meeting. There are three and one-half potential paths that need discussion.

Kristyn said that Krista Braaksma is maintaining a website of all Energy Code TAG information. Peter warmly thanked Kristyn, TAG members, and staff for attacking this difficult task.

## **OTHER BUSINESS**

Diane asked Council staff to make an effort to ensure that stakeholders be advised that public testimony will be received at the October public hearing on the nightclub issue.

Tim said that notice of that issue has been published in the State Register. Council staff is working on a press release and a targeted mailing to affected establishments.

Facing an important 2006 adoption year, Tim noted that there are three appointments ending on December 31, 2005: Diane Hansen, Steve Mullet, Dave Baker

Those individuals will need to be reappointed, or another individual will need to be named by the stakeholder they represent. A vacancy also exists in the position previously held by Chris Endresen, representing westside county commissioners.

Tim announced that John Neff is taking a leave of absence from work and Council activities for 12 weeks for medical reasons. He distributed a sympathy letter for Council signatures.

## **ADJOURNMENT**

Lacking further business, Peter adjourned the meeting at 1 p.m.